

(FORM PTO-1390  
(REV 10/95))

U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

CERA-233

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/937722

INTERNATIONAL APPLICATION NO.

PCT/EP00/03240

INTERNATIONAL FILING DATE

11 April 2000

PRIORITY DATE CLAIMED

11 April 1999

TITLE OF INVENTION  
MEDICAL INSTRUMENTS

APPLICANT(S) FOR DO/EO/US

Ralf-Peter FRANKLE, Michael FRIPAN, Wolfgang BURGER, Herbert RICHTER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is the FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau.)
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
  - ☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:
17. ☒ The following fees are submitted:
18. ☐ Other: A copy of International Search Report with a translation into English

## BASIC NATIONAL FEE (37 CFR 1.492(A)(1) - (5)):

Search Report has been prepared by the EPO or JPO ..... \$860.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
..... \$690.00

No international preliminary examination fee paid to USPTO (37 CFR 1.482)  
but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ... \$710.00

Neither International preliminary examination fee (37 CFR 1.482) nor  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$1000.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(2)-(4) ..... \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$860.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims		0	x \$18.00
Independent		0	x \$80.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$250.00

\$

\$

\$

TOTAL OF ABOVE CALCULATIONS =

\$990.00

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement  
must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

\$

SUBTOTAL =

\$990.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$130.00

TOTAL NATIONAL FEE =

\$1,120.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property+

\$

TOTAL FEES ENCLOSED =

\$1,120.00

Amount to be:  
refunded

\$

charged

\$

- a. ☒ A check in the amount of \$1120.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 50-0624 in the amount of \$\_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit  
Account No. 50-0624. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a)  
or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

James R. Crawford  
FULBRIGHT & JAWORSKI L.L.P.  
666 Fifth Avenue  
New York, NY 10103  
Customer No. 24972

SIGNATURE

James R. Crawford

NAME

Date: September 28, 2001

39,155

REGISTRATION NUMBER

EXPRESS MAIL NO. EL 829643459 US

09/937722  
410 Rec'd PCT/PTO 28 SEP 2001

CERTIFICATE OF EXPRESS MAIL

"Express Mail" mailing label # EL 829643459 US

Date of Deposit September 28, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to: Commissioner of Patents and Trademarks, Washington D.C. 20231

Eileen Sheffield  
(Name of Depositor)

Eileen Sheffield  
(Signature of Depositor)

Fulbright & Jaworski L.L.P.  
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New York, New York 10103